Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

In the Matter of)	IB Docket No. 02-286
)	File Nos. ISP-PDR-20020822-0029;
GLOBAL CROSSING, LTD.)	ITC-T/C-20020822-00406
(Debtor-in-Possession),)	ITC-T/C-20020822-00443
(Deotor in Possession),)	ITC-T/C-20020822-00444
Transferor,)	ITC-T/C-20020822-00445
Transferor,)	ITC-T/C-20020822-00446
and)	
and)	ITC-T/C-20020822-00447
)	ITC-T/C-20020822-00449
)	ITC-T/C-20020822-00448
GC ACQUISITION LIMITED,)	SLC-T/C-20020822-00068
)	SLC-T/C-20020822-00070
Transferee)	SLC-T/C-20020822-00071
)	SLC-T/C-20020822-00072
Application for Consent to Transfer)	SLC-T/C-20020822-00077
Control and Petition for Declaratory)	SLC-T/C-20020822-00073
Ruling	ĺ	SLC-T/C-20020822-00074
Tumb)	SLC-T/C-20020822-00075
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COMMAXXESS' SUPPLEMENTAL RESPONSE IN OPPOSITION TO THE APPLICANTS FOURTH AMENDED APPLICATION FOR CONSENT TO TRANSFER CONTROL AND PETITION FOR DECLATORY RULING.

COMMAXXESS provides the following as a supplemental response to the June 30, 2003 filing submitted by the Applicants as the "Fourth Amendment for Consent to Transfer Control and Petition for Declaratory Ruling" to matters filed before this Commission.

One of the paramount duties of the United States government and its various agencies and bureaucracies is to protect and defend the national security of the United States <u>and its citizens</u>. That is a duty to defend against enemies both foreign and domestic. Failure to do so does have constitutionally proscribed penalties.

Constitution of the United States, Article II, Section 4;

Section, 4.

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Constitution of the United States, Article III, Section 3:

Section, 3.

Clause 1: Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

Clause 2: The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Many United States citizens are now aware that Iridium satellites were launched from China and during that process the PRC gained access to crucial software technology needed to accurately launch and position those satellites but also the type of technology needed to accurately target a U.S. city with a nuclear warhead or a cruise missile. Reportedly, there are approximately 20 Chinese ICBM missiles targeted at the United States right now and as a direct result of technology transfer to mainland China.

That was thanks to Loral / Bernard Schwartz, major DNC and Clinton backer to the reported tune of \$1.9 billion since 1991, and the Clinton Administration; Loral now being in Chapter 11 bankruptcy to clean the books of debt and get exculpation for all prior deeds.

In 1995, a consortium led by Archibald Cox, Jr., Sextant Group¹ and the PRC acquired Magnequench and then later acquired UGIMAG. That appears innocent enough until one digs deeper to grasp that Magnequench manufactures highly sophisticated magnets that are used in our rockets, cruise missiles and Smart Bombs for the defense of the United States and our national interests. Additionally, the company is involved in "uranium enrichment technology" that is crucial to proliferation of nuclear bombs.

The "uranium enrichment technology" has already been moved to Red China and quite under the control of the PLA and PRC. The following article addresses the move of

Archibald Cox, Jr. President and Chief Executive Officer

Mr. Cox was appointed President and Chief Executive Officer of Magnequench in 1995. Before joining Magnequench, he was a managing director of Morgan Stanley International and the President and Chief Executive Officer of CS First Boston Corporation. Mr. Cox serves on the boards of Hutchinson Technology Inc., Hutchinson, Minnesota (1996); Sterling Cruise Lines, LLC, Cape Canaveral, Florida (1998); and Builders Information Group, Inc., Chicago, Illinois (2002). Mr. Cox has more than 38 years of local and overseas financial and management experience and is the founder of Sextant Group, Inc. He holds a bachelor's degree in economics from Harvard College and an M.B.A. from the Harvard Business School.

¹ http://www.magnequench.com/; Archibald Cox, Jr., president and CEO of Magnequench.

the magnets manufacturing operation out of the United States² and into mainland China under the control of the PLA and the PRC.

"The Valparaiso-based manufacturer, originally known as UGIMAG, became Magnequench UG when it was acquired by Magnequench Inc. in August 2000. Magnequench Inc. had been purchased in 1995 by a consortium that included the Chinabased San Huan New Materials and Hi-Tech Co., created and at least partially owned by the Chinese Academy of Sciences in Beijing. Magnequench was a spin-off company of General Motors Corp. [GM], and at the time of the buyout was headquartered in Anderson, Ind."

"The revelations come as Magnequench Inc., a company partially owned by the San Huan New Materials and Hi-Tech Co. – itself at least partially owned by the PRC government – prepares to shut down a factory in Valparaiso, Ind., that produces critical parts for U.S. precision-guided weapons. The company then plans to ship the machine tools to China. Insight has learned from technology experts, plant insiders, internal PRC documents and historical records that the PRC had targeted the U.S. technological advantage in exotic materials and manufacturing and developed a long-term plan to acquire it in the United States and export a crucial U.S. military advantage to the communist-controlled mainland."

"Though blocked by secrecy rules from going public, government officials expressed alarm about allowing the Chinese government access to strategic technology now being used to produce critical neodymium-iron-boron magnets for servos used in U.S. guided missiles and smart bombs. An even more critical technology, according to experts, was exported to the PRC in 1999 by Magnequench. That transfer included high-tech equipment used to enrich uranium for nuclear weapons, raising additional concern because of China's record of proliferating nuclear technology to rogue nations."

"Walter T. Benecki is a consultant to the Worldwide Magnetics Industry. He tells Insight that the PRC has ambitions beyond supplying the world with rare earths: "The Chinese, in my opinion, are going to dominate the worldwide production of sintered neodymium-iron-boron magnets in the next five years" -- the kind of magnets necessary for making missiles and smart bombs and that soon no longer will be made in the United States."

"U.S. government officials in charge of national security see importation from communist-controlled China of strategic components for U.S. weapons systems as a choke point in the event of hostility in the Pacific Rim. The lag time for the United States to reopen rare-earth mining and build an assembly line to produce the allied magnets could cripple crisis response, defense experts say."

"In short, the U.S. government had two opportunities to stop the leakage of this technology to the PRC. First, in 1995, when the two PRC companies attempted to acquire Magnequench, the sale required approval from the Committee on Foreign Investments in the U.S. (CFIUS). Concerns raised by American officials about what they considered a clear case of the PRC attempting to obtain control of vital U.S. weapons technology was shot down, and CFIUS permitted the buyout. The second opportunity came in 1999 when company officials say they sought U.S.-government approval to export equipment from the Magnequench plant in Anderson, Ind., that could enhance China's ability to enrich uranium for a nuclear weapon. Stronger opposition to the transfer within government

² http://www.wnd.com/news/article.asp?ARTICLE_ID=31385

ranks again was stymied, and the high-tech computerized machine tools were moved to the company's new plant in mainland China."

Imagine that; the company is involved in such secret work it cannot go "public" but can be sold to a potential enemy that has very definite aspirations of being a Super Power and possibly adverse to U.S. interests and those of our allies. What insanity is going on in Washington, DC and New York City / Wall Street to drive this type of oversight and possible stupidity? Greed is not good and when pertaining to the PRC is a pure definition of evil.

Choke points can include "communications", which is exactly what the Global Crossing network does and could do to the United States in times of crisis or war. This is especially true under current technology and the fact that Global Crossing was designed and built as a seamless network and the spin-offs did not affect that whatsoever. Now that they plan a reverse roll up, this Commission and CFIUS should grasp the implications as to how such a network can be used in a "offensive weapon" or in a disruptive, intelligence gathering or eaves dropping manner. In fact, one of the first targets in any type of war is the enemies communications; i.e. ours.

In fact, the Global Crossing network could easily be used to set up VPN nets for intelligence and espionage purposes to serve the PRC and to the detriment of the United States and its citizens without even being detected in the United States. Just such a network was sold by Global Crossing to Goldman Sachs in the IPC Information Systems deal in December 2001 by transferring a private trading network to Goldman Sachs and all should know now that Goldman Sachs and the PRC are in bed together on Asia Netcom (CICC).

Even Taiwan³ is wondering about U.S. intentions when such technologies are so graciously given to a nation that is a probable enemy and certainly ideologically opposed to what the United States stands for in most of the world and what Taiwan desires as its future national status. What are we to expect next? An uncontested Red Chinese invasion of Taiwan and we can let CNN and the other talking heads of the media explain why someone in our government looks the other way when they should not?

Are we as American citizens to believe that CFIUS is concerned about national security after such an act of malfeasance and misfeasance against the national security of the United States and its people? The Clinton Administration apparently did not think so in transferring Loral missile guidance technology, Magnequench and UGIMAG technology for Smart Bombs and uranium enrichment, and with several Republican aligned entities involved in Magnequench and cited below, maybe this "Bush Administration" CFIUS group does not either.

Maybe to grasp their jobs they merely need to look at any copy of Webster's: $trea\cdot son$ ($trea\cdot son$).

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³ http://taiwansecurity.org/News/2003/IM-020503.htm

- 1. Violation of allegiance toward one's country or sovereign, especially the betrayal of one's country by waging war against it or by consciously and purposely acting to aid its enemies.
- 2. A betrayal of trust of confidence.

They have violated my trust of confidence in our governmental processes and the mishandling of this matter and refusal to just "shut it down" as FCC and CFIUS should do. I believe this Commission will soon hear from many United States citizens who feel the same way.

There has been plenty of time for this Commission and CFIUS to look at the matter and grasp that "it stinks" and deny the application for permission to transfer control. That neither the Commission nor CFIUS have made any negative public comments or found that the mounting evidence is against approval is now suspect to most who are watching this matter.

OFII wants to suggest that we need to honor "trade agreements" with Singapore, but this Respondent challenges that group to cite even one line of that trade agreement that mandates that we undermine our national security to facilitate this sham of a Global Crossing deal.

This Respondent wonders if OFII would also zealously support the sale of Magnequench and transfer of key defense technology to PRC control and removal of that key defense technology to mainland China? All for the sake of "Foreign Investment" into the United States, of course. Is anyone reviewing this matter so foolish to think that China and the United States are bosom buddies or that such technology may well be used against the United States or its allies?

Yes, of course, let us sell them technology that could be detrimental to the national security of the United States and then have our "high tech construction experts" such as Bechtel⁴ go over there to China, collaborate with CITIC⁵ that has known ties to the PRC and in some ways is an arm of the PRC, and build them the plants to produce what could be to the harm or demise of the United States or its allies. Does Bechtel need work so bad that they have to be involved in the transfer of military applications technology to China or do they see dollar signs in Mainland China too like Citigroup (Pacific Crossing and mainland China underwriting business) and Goldman Sachs (purchased IPC Information Systems from Global Crossing in December 2001 and now co-owner of the new Asia Global Crossing via CICC and dba: Asia Netcom so we do not all see the "China Netcom connection")?

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⁴ http://www.bechtel.com/china.html

⁵ Directly from one of our investigators. "When I tried it with Magnequench Inc., I found that Bechtel Corporation is actually designing and overseeing the construction of the relocated Magnequench facility in China. Apparently, Bechtel has a Joint Venture with China International Trust and Investment Company (CITIC). The Joint Venture is named Bechtel CITIC Engineering Inc. (BCEI)".

Li Ka-shing is a board member of CITIC and as previously cited to this Commission on October 21, 2002⁶, a subsidiary of CITIC in the form of Poly Technologies was indicted by U.S. Customs for attempting to smuggle fully automatic arms into California to arm street gangs. Some may call that greed while others would call that an act of war and intent to undermine the United States.

Maybe this Commission and CFIUS should refer back to that October 21, 2002 filing, Attachment 1 by Congressman Dana Rohrabacher before the U.S. Senate Armed Services Committee⁷ and remind the respective members that national security is paramount. None of the Commission members or CFIUS should have to be reminded that the China relations are tenuous at best and this nation is under no mandate to transfer to the PRC just about anything they wish to be a Super Power.

More than one article⁸ has pointed out that apparently American military technology and American know-how is "FOR SALE" to the wrong parties.

Conflicts of Interests between the Trilateral Commission and CFIUS

Global Crossing has hired people explicitly to conflict this matter.

"In 1993, in response to a sense of Congress resolution, CFIUS membership was expanded by Executive Order 12860 to include the Director of the Office of Science and Technology Policy, the Assistant to the President for National Security Affairs and the Assistant to the President for Economic Policy. This order brought the membership of CFIUS to eleven under the chairmanship of the Secretary of Treasury. The other members are the Secretaries of State, Defense, and Commerce, the Attorney General, the Director of the Office of Management and Budget, the U.S. Trade Representative, and the Chairman of the Council of Economic Advisers."

The following names were determined. These are the individuals who currently reside in the above-mentioned U.S. Government positions.

- 1) The Assistant to the President for Economic Policy and Trilateral Commission member **Stephen Friedman**.
- 2) Secretary of Defense: Paul Wolfowitz. (Also a Trilateral Commission member)

⁷ http://www.senate.gov/~armed_services/statemnt/1999/991022dr.pdf

⁶ Global Axxess Comments, Objection filed October 21, 2002.

⁸ http://www.thenewamerican.com/tna/2001/10-08-2001/vo17no21_china.htm

- 3) The U.S. Trade Representative: Robert Zoellick (Also a Trilateral Commission member)
- 4) The Director of the Office of Science and Technology Policy: Dr. John H. Marburger. One of Clinton's former appointees to this committee was David E. Shaw, D. E. Shaw & Company, a hedge fund operator that is going to be named in the RICO actions cited to this Commission previously.
- 5) The Assistant to the President for National Security Affairs: Dr. Condoleezza Rice.
- 6) The Secretary of the Treasury: John Snow
- 7) The Secretary of State: Colin Powell.
- 8) The Secretary of Commerce: Don Evans
- 9) The Attorney General: John Ashcroft who passed on prosecution of Winnick on Christmas Eve, 2002.
- 10) The Director of the Office Management and Budget: Clay Johnson, III
- 11) The Chairman of the Council of Economic Advisers:

Chief economic advisor to George W. Bush, Stephen Friedman has several conflicts of interests including being on the Board of Directors of Goldman Sachs (Asia Netcom, CICC and designs on mainland China), and a Senior Principal of Marsh & McLennan Capital, Inc. (whom have a business relationship with Kissinger Associates and The Blackstone Group.)

But more troubling then those conflicts of interests is his affiliation as a member of an organization called the "Trilateral Commission." The list of members in this organization is alarming.⁹

Maurice Greenberg, CEO of American International Group (AIG) and an influential member of the Trilateral Commission has "pro-communist" views and strong ties with Communist China and also to HUTCHISON-WHAMPOA'S LI KA-SHING. As a result, Maurice Greenberg and his cohorts on the Trilateral Commission share a similar "In Bed" sentiment as it pertains to China and Li Ka-Shing/Hutchison-Whampoa. Remember; besides Stephen Friedman (Chief Economic Advisor to President Bush and ex-Chairman of Goldman Sachs), Paul Wolfowitz, and Robert Zoellick who are all members of the CFIUS and Trilateral Commission, you also have Richard Perle and Henry Kissinger who are also members of the Trilateral Commission and were directly involved with Global Crossing pushing hard to get the original GX/Hutchison/STT Deal approved. Despite the GX/STT Deal remaining, the Trilateral Commission still has a major interest in China/Li Ka-Shing/Hutchison, and thus the pockets and mindset of

⁹ http://www.abidemiracles.com/1819.htm

this Commission will inevitably benefit if Global Crossing moves into the hands of Singapore and STT (who have strong ties with China and Hutchison, and may eventually sell Global Crossing to Li Ka-Shing and China).

Greenberg, a major donor to the Heritage Foundation, used his influence to place Chao on one of the think tank's advisory councils. From that vantage point, she engineered the firing of China critic Rick Fisher, director of Heritage's Asian Studies Center. Last year, when Heritage issued a paper warning that NORMALIZING RELATIONS WITH THE PRC POSES SERIOUS NATIONAL SECURITY ISSUES, Greenberg threatened to yank his funding. Heritage capitulated and put out a new report, "How Trade with China Benefits Americans." The Greenberg influence was also evident when Heritage officer Kim Holmes (a CFR member) was featured in the CFR's annual report, praising the Council's "cutting edge" programs and reports on China, North Korea, and Cuba.

Our Houston contact had another poignant observation that this Commission should consider as to future possibilities for the sake of money now for certain insiders:

"If I had a puppy dog that was vicious . . . would I be better served to get rid of the dog or wait until he was all grown up and could go for my throat?"

The overlaps, ties to, and conflicts of interests directly to Perle, Kissinger, Steven Green, Brownstein and others is really not that hard to trace. We respectfully submit that if we can do it clearly, so can this Commission and others.

Evidently the conflicts go all the way to the U.S. Senate as well with Senator Conrad Burns thinking but not acting on a Global Crossing investigation and being #2 on the Global Crossing U.S. Senate giving list right behind Senator McCain. Also, appointments and ties between AIG and certain persons are now surfacing 10:

"The AIG magnate" (Maurice Greenberg) "is a member of George W. Bush's elite "Pioneer" club of donors who contributed \$100,000 or more to his presidential campaign. Bush showed his appreciation by appointing a key Greenberg associate, Elaine Chao (a fellow CFR member), as secretary of labor. Chao is the wife of Republican Senator Mitch McConnell of Kentucky, Majority Whip of the Republican majority, an avid China booster who has received generous campaign donations and speaker fees from AIG.

As this Commission should know, Senator McConnell is Majority Whip of the U.S. Senate.

Many Global Crossing stockholders are learning the hard way that Global Crossing has attempted to plant insiders at all levels to push this deal through, including Kissinger, Brownstein, Steven Green, Perle and White House economic advisor and CFIUS member Stephen Friedman, former Goldman Sachs. This Respondent has already cited to this Commission what Goldman Sachs has riding on this decision and that this firm already owns a stake in China Netcom's purchase of Asia Global Crossing; dba:

 $^{^{10}}$ http://www.thenewamerican.com/tna/2001/10-08-2001/vo17no21_china.htm $\,$

Asia Netcom. See CICC, which has been pointed out to this Commission by this Respondent on multiple occasions.

There are several involved in this "review process" **that need to recuse or otherwise be barred from the process**.

This Respondent and many American citizens and many Global Crossing shareholders still have questions about the actions of these Applicants that they have failed or refused to respond to:

Exhibit A, Section B¹¹, page 2 of 3, Applicants Fourth Amendment¹²:

"Applicants only recently became aware of GCL's controlling interest in EAN and the regulatory implications of the licenses it holds, and submitted this filing as soon as all pertinent facts were ascertained and other procedural steps were completed".

Applicant STT has yet to acknowledge that their ultimate parent, the Singapore Government, does in fact own an interest in Asia Netcom via CICC and as a result is involved in a reverse roll up of Asia Global Crossing, Pacific Crossing and Global Crossing after investors have been defrauded out of billions of their investments and retirements.

Has anyone bothered to ask STT if they know exactly what they are proposing to buy, or is it more important to get the deal done?

Has anyone bothered to ask if STT has a global strategy whatsoever? We asked and they do not have a strategy outside of their immediate area. With that being the case, many creditors are starting to realize that even post-bankruptcy the STT deal is highly likely to fail. That is especially true of the U.S. Government and British Foreign Office that the same route as SWIFT and terminate agreements and customer revenues due to the latter refusing to have the global banking network open to Red Chinese hacking, penetration or interference. If it is not about "the business", the "bankruptcy" and what is best for the creditors, someone should start asking if this deal is only about undermining U.S. national security and only that purpose.

<u>"ST Telemedia Confidentiality Agreement"</u> shall mean the Confidentiality Agreement, dated August 23, 2001, between the Company and ST Telemedia, as amended.

¹¹ GlobalAxxess Response to Third Amendment, May 26, 2003, page 3 of 69; On page 60 of the Hutchison Whampoa / ST Telemedia Asset Purchase Agreement with Debtor Global Crossing the following is disclosed:

<u>"Hutchison Confidentiality Agreement" shall mean the Confidentiality Agreement, dated</u> as of June 25, 2001, between the Company and Hutchison Whampoa Ltd, as amended.

¹² GlobalAxxess Response to Third Amendment, May 26, 2003, page 3 of 69; On page 66 of the Hutchison Whampoa / ST Telemedia Asset Purchase Agreement with Debtor Global Crossing the following is disclosed:

Exhibit A, Section C, page 2 of 3, Applicants Fourth Amendment:

"Applicants regret the lateness of this filing and any resulting inconvenience to the Commission".

The Applicant STT has been involved since August 23, 2001 on the date they signed their Confidentiality Agreement, filed an announcement on January 28, 2002 to acquire all assets of Global Crossing for \$750,000,000, and is just now coming forward in mid-June 2003 with facts that should have been known all along and been filed with the Original Application.

It begs the question of what the parties have been paying attention to if not paying attention to what they are acquiring and what procedural steps have to be accomplished as part of that "Proposed Transaction". This Respondent reiterates that this "extremely tardy" disclosure of information is probably due solely to the "preoccupation of covering up of fraud" that is going on in the Global Crossing bankruptcy.

The deal has to be postured "just so" to make sure they get away with the fraud. The "paint a picture" effort is more important than "disclosure of mandatory facts" and timely filing of those facts before this Commission.

It is way past time that all parties ask the hard questions and demand the full and complete answers from these Applicants, or terminate their application.

They evade the issues of what is being covered up in the bankruptcy and what an absolute sham that has been. They evade that the Government of Singapore owns an interest in CICC and in turn China Netcom dba: Asia Netcom.

Marcus Aurelius: "Of each and every thing ask but this; in its purest essence, what is it?"

Bad government is bad government by any other name and the longer this Commission and CFIUS take to reject this charade is in fact bad government.

Quit selling out the United States of America for money and political expediency.

This is a "reverse roll up" charade that was designed to inflict fraud and abuse on the investing public and then add as a final insult the transfer of Asia Global Crossing, Pacific Crossing and Global Crossing into a "reconstituted company" under control of the Singapore Government and the PRC.

This Commission can terminate this change of control without CFIUS if that entity cannot find the political will or courage to say no.

CFIUS can accept that its approval of the sale of Magnequench to the PRC is at best an act of malfeasance and at worst an act of treason against the United States and its citizens. To continue such approvals in the face of global realities is unconscionable.

Both this Commission and CFIUS should put an end to it right now. It is a clear and present danger to the national security of the United States and lest this Commission has not noticed, these Applicants are not exactly hemmed in by the truth and the truth has to be pried from them. Such actions are a symptom that this Commission and CFIUS should be very leery of now and in the future.

If neither this Commission nor CFIUS have the will or determination to do what is right for the United States, the shareholders we represent and our company have no qualms of submitting the matter to the courts to put an end to this charade.

On the other hand, maybe CFIUS should approve the sale of Grumman Lockheed, Boeing, Martin Marietta and other key strategic military assets to the PRC so they can either take over the Pacific Rim or threaten to blast the United States into ruins so we can all just surrender and forego any bloodshed.

The COMMAXXESS offer to acquire Global Crossing is being presented to the creditor representatives on July 31, 2003. It is considerably higher than STT, IDT and Icahn/XO, however it would hold certain parties accountable and would defend U.S. interests, not undermine them by design and intent.

Respectfully submitted,

Karl W. B. Schwarz Chairman, Chief Executive 501-663-4959

Dated: July 28, 2003

CERTIFICATE OF SERVICE

I, Karl W. B. Schwarz, hereby certify that on this 28th day of July 2003, I caused a true and correct copy of the foregoing Supplemental Response In Support of National Security Issues to be served on the following parties in the manner indicated:

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